

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 54, A bill to be entitled "An Act providing for the establishment of an agricultural experiment station in the Third Senatorial District of Texas,"

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Hudspeth:

San Angelo, Texas, March 18, 1909.

To Hon. C. B. Hudspeth, State Senate,
and Hon. Brown F. Lee, House of Representatives, Austin, Texas.

Sirs: In view of the fact that a large majority of the leading bankers and financiers of the State are strongly opposed to the enactment of any law bearing on the guaranty of deposits; and

Believing that this opposition to such a law is based upon the actual experience of able men who have devoted a life time to the study of banking, dreading the ultimate results that may arise from a radical departure from the solid experience of the past, and that such opposition is not from selfish motives; and

Believing that the enactment of such a law would be in violation of the fundamental principles of our institutions; and

Believing that the law guaranteeing deposits, even in Oklahoma, is yet an unsupported, theoretical experiment which has already required amendments, one of the amendments asked for showing the grave apprehension of danger lurking in such a law; and

Believing that time alone can only furnish a practical demonstration as to whether or not the guaranty law of Oklahoma should be an object lesson for Texas to follow; and

Further believing that, even if there is a platform demand on that subject, which is denied by some, it would not suffer by deferring action in the matter until two years hence.

Therefore, we would earnestly represent that we deem it the part of wisdom and discretion that the Legislature of Texas do not act hastily in a matter so momentous to the financial interest

of the State, but rather defer action thereon for the next two years, thereby enabling our lawmakers to see the result of such a law in other States, and profit thereby.

Numerously signed.

By Senator Adams:

Hon. W. N. Adams, State Senator, Austin, Texas:

We, the undersigned, citizens, request that you use your best endeavors toward passing the appropriation bill and then adjourn, thereby earning the everlasting gratitude of your constituents.

Numerously signed.

By Senator Perkins:

Commerce, Texas, March 24, 1909.

Hon. Thos. W. Perkins, State Senator, Austin, Texas.

Dear Sir: We the undersigned, business men of Commerce, Texas, beg to say that we are unalterably opposed to the compulsory guaranty of deposits law, and ask that in the name of justice and right you oppose it.

We think the people should have an opportunity to thoroughly understand what compulsory guarantee of deposits mean before such a law is passed.

Numerously signed.

TENTH DAY.

Senate Chamber,

Austin, Texas,

Saturday, March 27, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Cofer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Greer.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Bryan.	Real.
Hume.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Real for yesterday, today and Monday, on motion of Senator Hayter.

BILLS AND RESOLUTIONS.

By Senators Peeler and Watson:

Senate bill No. 77, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State, and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences, and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

Morning call concluded.

By unanimous consent, after the morning call was concluded, Senator Veale presiding:

By Senator Hudspeth:

Senate bill No. 78, A bill to be entitled "An Act to amend Chapter 114, acts of the Twenty-eighth Legislature, approved April 6, 1903, entitled 'An Act requiring the disinfection of public buildings, railway coaches and sleeping cars, and providing a penalty for the violation thereof, by adding thereto Section 5 declaring slaughter houses, meat markets and dairies to be public buildings, and to declare an emergency.'"

Read first time, and referred to Committee on Public Health.

SENATE BILL NO. 18.

Action recurred on the pending motion by Senator Ward to suspend pending business (Senate bill No. 8) and take up, out of its order, Senate bill No. 18, and the substitute motion by Senator Watson to suspend the pending busi-

ness and take up, out of its order, Senate bill No. 66.

Senator Watson withdrew the substitute motion.

Action then recurred on the original motion to suspend and take up Senate bill No. 18.

The motion was adopted by the following vote:

Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Hume.
Real.

Terrell of Bowie.

The Chair laid before the Senate, on second reading,

Senate bill No. 18, A bill to be entitled "An Act making an appropriation for the recovery of lands belonging to or claimed for the public schools and other lands of the State of Texas, and for the enforcement of any and all laws of the State of Texas concerning public lands or lands belonging to the State of Texas, or to any of its special funds or institutions; providing the manner of expending such appropriation, and declaring an emergency."

There being a majority favorable committee report, and a favorable minority committee report with an amendment.

Senator Hudspeth moved to adopt the minority committee report, and

Senator Murray moved to table that motion.

The motion to table prevailed.

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Section 1 and insert in lieu thereof the following:

Section 1. For the purpose of enforcing any and all laws of the State of Texas, and for the purpose of paying any and all necessary expenses in bringing suits or paying expenses in prose-

cuting same, there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of \$25,000 or so much thereof as may be necessary to be expended under the direction of the Attorney General by and with the approval of the Governor, and to be paid upon warrants drawn by the Comptroller of Public Accounts on vouchers approved by the Attorney General.

MURRAY,
BRYAN.

Senator Murray offered the following amendment, which was read and adopted:

Amend the caption of the bill by striking out all after the word "appropriation," in line 1, down to and including the word "institutions," in line 11, and insert in lieu thereof the following: "For the enforcing of any and all laws of the State of Texas, and for the purpose of paying any and all necessary expenses in bringing and prosecuting or paying expenses in prosecuting same."

MURRAY,
BRYAN.

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Nays—1.

Paulus.

Absent.

Hume.

Stokes.

Absent—Excused.

Real.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Weinert.
Masterson.	Willacy.
Mayfield.	

Nays—2.

Perkins. Watson.

Absent.

Hume. Stokes.

Absent—Excused.

Real.

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 8.

The Chair laid before the Senate, on second reading and special order,

Senate bill No. 8, A bill to be entitled "An Act to abolish the Department of Public Health and Vital Statistics, and to establish instead a State Board of Health."

The question on the bill was the substitute amendment by Senators Alexander and Willacy for the amendment by Senators Cofer and Murray (see Journal of March 24 for the substitute amendment).

The substitute for the amendment was adopted.

Senator Weinert offered the following amendment to the substitute, which was read and adopted:

Amend the substitute by striking out the word "disposition" in Subdivision 3, page 2.

ALEXANDER,
WILLACY,
WEINERT.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by inserting the word "ventilation" after the word

"water," in line 5 of Subdivision C; also by striking out the word "sanitary" in line 2 of Subdivision E, and insert the word "mortuary" in lieu thereof; also by inserting the words "to whom and" after the word "designating" in line 3 of Subdivision E.

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by inserting the words "and health officers" after the word "physicians," in line 1 of Subdivision D.

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by inserting the word "garbage" after the word "sewerage," in line 1 of Subdivision 2, page 2.

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by striking out all after the word "of," in line 1 of Section 5, page 2, and insert the following: "Slaughter-houses, meat markets and dairies."

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by inserting the words "investigate and to" after the word "to," in line 34, page 3.

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by adding Subdivision 7 immediately after Subdivision 6, page 3, as follows:

"Section 7. Rules and regulations to govern and control the conduct and operation of markets, peddlers' wagons and all other places and methods of expo-

sure for sale of meats, fish, poultry, game, fruits, vegetables and all perishable articles of food exposed for sale, and to regulate the time and method of such exposure, and to prescribe and limit methods for the preservation of such articles of food, and to prohibit the doing of any act or the use of any method with respect thereto, which said board shall deem prejudicial to the public health; provided, that any condemnation of any such article of food shall be in writing and a record of the same shall be kept by said health department.

WILLACY,
ALEXANDER,
HARPER.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the substitute by inserting after the word "and," in line 11, page 3, the following: "Wherever the subject matter relates to the public schools."

WILLACY,
ALEXANDER,
HARPER.

Senator Senter offered the following amendment to substitute, which was read and adopted:

Amend the bill so as to change the penalty for violation of any of the rules and regulations contained in the advisory supplement to the sanitary code, as provided in Subdivision 6 of Section 11, as amended, so as to make the maximum penalty "\$200" instead of "\$100."

The substitute, as amended, was then adopted.

Section 12 was then taken up.

Senator Masterson offered the following amendment:

Amend the bill, Section 12, page 12, by adding at the end of Section 12 the following: "And subject to the limitations and provisions of Section 11 of this act."

MASTERSON,
ALEXANDER.

Senator Hayter offered the following substitute for the amendment, which was adopted:

Amend the bill by striking out all after the word "expedient," line 4, page 12; also all of lines 5, 6, 7, 8, 9 and 10.

HAYTER,
WILLACY,
HARPER.

The amendment, as substituted, was then adopted.

There being no amendments for Sections 13 and 14, Section 15 was taken up.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill, Section 15, page 13, line 17, by inserting before the word "places" the word "public," and by inserting before the word "building," same line and page, the word "public."

There being no amendments to Sections 16, 17, 18 and 19, Section 20 was taken up.

Senator Willacy offered the following amendment, which was read and adopted:

Amend the bill, page 14, Section 20, line 24, by adding after the word "cause" the following: "Provided, however, that in all counties where there is a duly appointed and acting county physician heretofore appointed, the county judge shall appoint such county physician as county health officer."

WATSON,
WILLACY,
HUDSPETH,
ALEXANDER.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Section 20, after the word "court," in line 20, page 14, of the printed bill, and inserting a period for the comma.

ALEXANDER,
WILLACY,
HAYTER.

(Senator Veale in the chair.)

Senator Meachum offered the following amendment:

Amend Section 20, line 20, of the printed bill by striking out the words "county judge," and insert in lieu thereof "commissioners court by a majority vote."

Senator Cofer offered the following substitute for the amendment:

Strike out the word "appoint," in line 21, page 14, and insert in lieu thereof the word "nominate," and then add after said word "nominate" the words "to be confirmed by a majority vote of the commissioners court."

On motion of Senator Meachum the substitute was tabled.

The amendment by Senator Meachum was then adopted.

Senator Weinert offered the following amendment, which was read and adopted:

Amend Section 20 by adding the following at the end of said section: "Provided, that no compensation or salary shall be allowed except for services actually rendered."

Section 21 was taken up.

Senator Murray offered the following amendment:

Amend Section 21 by adding after the word "created," in line 2, page 15, the following: "In cities holding a charter granted by the Legislature of the State of Texas."

On motion of Senator Harper, the amendment was tabled.

There being no amendments to Section 22, Section 23 was taken up.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting after the word "office," in line 8, page 17, of the printed bill, the following: "Unless such charges are shown to be untrue and are not sustained."

Section 24 was taken up.

Senator Cofer offered the following amendment, which was read and adopted:

Amend Section 24, line 21, page 15, by adding after the word "county," the words "or city."

Senator Cofer offered the following amendment, which was read and adopted:

Amend Section 24, page 15, by striking out all of line 23 after the word "to" and all of line 24 down to the word "first," and in lieu of such words stricken out, the following words: "Appoint such county or city health officer to hold office until the local authorities shall fill such office."

Section 26 was taken up.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by inserting a comma for a period after the word "compensation," in line 29, page 16, Section 26, and adding the following words: "Which cause shall be tried in the district court of the county in which such county health officer resides."

ALEXANDER,
WILLACY.

Section 27 was taken up.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "mayor," in line 6, page 15 of the printed bill, and insert the words "city council or the city commission, as the case may

be," and by striking out the word "nominate," in line 7, of said page 15, and insert the word "elect." Also strike out the words "to be confirmed," in line 8 of said page.

SIMPLE RESOLUTION.

By Senator Kellie:

Whereas, It is desired by the authors of Senate bill No. 28 that same be withdrawn from the committee to which it was referred and from the calendar by reason of the fact that another bill has been introduced to effect the purpose for which the original bill was offered; therefore be it

Resolved, That Senate bill No. 28 be withdrawn and returned to its authors.

KELLIE,
STOKES.

The resolution was read and adopted.

SENATE BILL NO. 66.

On motion of Senator Watson, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 66, by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Cofer. Holsey.

Absent—Excused.

Real.

The Chair laid before the Senate, on second reading,

Senate bill No. 66, A bill to be entitled "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform

the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent—Excused.

Real.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Watson.
Mayfield.	Willacy.

Absent.

Harper. Weinert.
Ward.

Absent—Excused.

Real.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 50.

On motion of Senator Hume, the pending order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 50, by the following vote:

Yeas—29.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent—Excused.

Real.

The Chair laid before the Senate, on third reading,

Senate bill No. 50, A bill to be entitled "An Act amending Article 1525 of the Revised Statutes of the State of Texas, fixing the terms of the criminal district court of Galveston and Harris counties."

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent—Excused.

Real.

Senator Hume moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 8.

Action recurred on Senate bill No. 8, Section 28 being taken up.

Senator Cofer offered the following amendment, which was read and adopted: Amend the bill, page 17, line 19, by striking out Section 28, and in lieu thereof, insert the following:

Section 28. No bond for cost or bond on appeal or writ of error shall be required of the State Board of Health or other State official in any action brought or maintained under this act.

Section 29 was then taken up.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by inserting a comma for the period after the word "health," in line 21, page 18, Section 29, and add the following words: "Which cause shall be tried in the district court of the county in which such city health officer resides."

ALEXANDER,
WILLACY.

Senator Willacy offered the following amendment, which was read and adopted:

Amend by adding after the word "officer," in line 31, page 18, the following: "Unless such charges are shown to be untrue and are not sustained."

ALEXANDER,
WILLACY.

Senator Hayter offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "now," in line 24, page 17, the following words: "Or hereafter."

Section 30 was taken up.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Section 30, after the word "State," in line 12, page 19 of the printed bill, and inserting a period for the comma.

ALEXANDER,
WILLACY,
HAYTER.

(Lieutenant Governor Davidson in the chair.)

There being no other amendments to Sections 31 and 32, Section 33 was taken up.

Senator Willacy offered the following amendment, which was read and adopted: Amend by striking out all of Section 33, and to renumber Section 34 so as to read Section 33.

WILLACY,
ALEXANDER,
HARPER.

There being no other amendments by sections, the Chair so stated, and

Senator Willacy offered the following amendment, which was read and adopted:

Amend by inserting after the word "State," in line 28, page 6 of the printed bill, the following: "As provided herein."

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out all after the word "State," in line 30, page 2 of the printed bill, down to and including the word "year," in line 32 of said page.

Bill read second time, and ordered engrossed.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofe.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.
Mayfield.	

Absent

Murray. Weinert.

Absent—Excused.

Real.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Harper.
Alexander.	Hayter.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofe.	Kellie.
Greer.	Masterson.

Mayfield.
Meachum.
Paulus.
Peeler.
Perkins.
Senter.
Stokes.
Sturgeon.

Terrell of Bowie.
Terrell of McLennan.
Veale.
Ward.
Watson.
Weinert.
Willacy.

Nays—2.

Hume.

Murray.

Absent—Excused.

Real.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

Senator Harper here moved that the bill, as amended, be printed in the Journal of today.

The motion was adopted.

Following is the bill in full:

A BILL

To be entitled

An Act to carry into effect Article 132, Section 16 of the Constitution of the State of Texas in relation to a Texas State Board of Health and Vital Statistics Department; to abolish the present Department of Public Health and Vital Statistics; to create a Texas State Board of Health; to provide for the appointment and organization of said Board, and the name of its officers; to provide for the designation by the Governor of one member of said Board as State Health Officer; to provide for the operation and maintenance of the State quarantine service; to define the qualifications of the members, officers and employes of the State Board of Health; to fix their salaries, and provide for office quarters and appliances of said Board; to define the status of said Board with relation to courts of the State, to confer upon said Board discretionary powers concerning the defining and investigating nuisances detrimental to the public health and the investigating and regulating of water supply and other investigations necessary concerning matters of public health and sanitation and quarantine and for general discretionary powers concerning matters of public health and sanitation; and to delegate to said Board under the police powers of this State authority to prepare, adopt, enact, promulgate and put

into effect rules and regulations and requirements governing the promotion and protection of public health and safety, such rules and regulations to be incorporated into what shall be known as a sanitary code for Texas; to prescribe penalties within certain limits for the violation of the rules and regulations specified by said code; to define the duties of the courts of this State with respect to the enforcement of obedience and to the process of said Board; to define the duties of the court with respect to compelling obedience and respect of witnesses when summoned to testify before said Board; providing for compelling attendance by said Board of witnesses in an investigation involving the exercise of the discretionary powers of said Board, and declaring that any witness falsely testifying before said Board shall be guilty of perjury; to confer upon the officers, members and inspectors of said Board power of peace officers with power to make arrests for violation of the sanitary code and the health and sanitary laws of the State; to define the duties of the courts of the State relative to the enforcement of the law, rules, regulations and ordinances of the sanitary code of Texas; to define the duties of all peace officers of the State relative to apprehending and arresting offenders against said sanitary code for Texas; to confer upon said Board power and authority to revise and amend the sanitary code for Texas, and to provide a method for promulgating and enforcing such amendments and revisions; to abolish the office of county physician in the several counties of this State, and to create and define the office of county health officer instead, and to define the powers of said county health officers, and to prescribe penalties for neglect of duty on the part of said county health officer; to abolish the office of city physician within this State in the several incorporated cities and towns, and to create instead the office of city health officer; to define the qualifications and duties of city health officer, and the method of appointment to office, and a method of removal from office, and prescribing penalties for neglect of duty on part of city health officers; providing for annual conferences of county health officers and city health officers; to provide that all members, officers and inspectors of the State Board of Health may accept free transporta-

tion from transportation companies within the State; to repeal all laws and parts of laws in conflict with this act, and to declare an emergency.

Section 1. That the Department of Public Health and Vital Statistics as now existing under the laws of this State is hereby abolished, and that there be created and established in its stead a State Board of Health, to be officially designated as Texas State Board of Health, which shall consist of seven members, at least five of whom shall be legally qualified practicing physicians within the State of Texas, of good professional standing, and who shall be graduates of legally constituted medical colleges, to be appointed biennially by the Governor, and as soon as practical after the passage of this bill, and thereafter on or before the tenth day of May following his inauguration. One member of said Board, who shall be appointed by the Governor and confirmed by the Senate, shall be designated by the Governor as State Health Officer, and he shall be a member of the Board, and its president and executive officer. One member of said Board shall be the State Dairy and Food Commissioner, and one member shall be the chairman of the State Live Stock Sanitary Commission as now or as may be hereinafter provided for by law, which said two members shall respectively be the head and executive officer of his own department and shall perform the duties now encumbered upon the Dairy and Food Commissioner, and the chairman of the Live Stock Sanitary Commission; but otherwise the existing laws with respect to these two departments are hereby continued in force.

Providing, that in case there should at any time be a difference of opinion regarding the nature and extent of co-operation desirable between the various departments represented on the Board, then and in that event the majority vote of the members of the Board of Health shall decide the policy to be pursued in all matters affecting the duties of the Live Stock Sanitary Commission and the Pure Food Commissioner, the decision of such officers shall be supreme, and their present powers and duties shall not be in any manner interfered with, except that in matters affecting the health of the human race, the rules and regulations of the Board of Health shall be enforced by such officers.

The members of said Board shall hold their office for a term of two years, and

until their successors shall be appointed and qualified, unless sooner removed for cause.

Sec. 2. The president of said Board shall receive an annual salary of \$3000. The other four members of said Board, exclusive of the State Dairy and Food Commissioner and the chairman of the Live Stock Sanitary Commission shall receive no salary, but each of said four members shall be allowed for each and every day he shall be in attendance upon the meetings of the Board the sum of \$10, including the time spent in transit, and 3 cents per mile going and coming for actual expenditures, to be paid on their vouchers when approved by the president of the Board and the Governor, by warrant drawn upon the State Comptroller against the general appropriation provided by law for that purpose.

Sec. 3. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall meet at Austin on the first Tuesday after appointment and commission, and thereafter shall meet quarterly on a day to be fixed by the board, or as often and at such time and places as such meetings shall be deemed necessary for the board. Timely notice of such meetings shall be given to each member of the board by the president thereof. The board shall be convened on call of the president, or on demand of three members of said board made in writing to the president. The office of said board shall be in the Capitol at Austin, and the said board shall be furnished with all necessary equipment and supplies, including laboratory supplies, books, stationery, blanks, furniture, etc., as other offices of the State are furnished, including suitable rooms for its offices and laboratories, necessary for carrying on the work of the board, and to be provided in the Capitol building or other suitable buildings to be designated by the Governor.

Sec. 4. The president of the Board shall appoint, with the approval of the Governor, such officers and assistants as may be authorized and provided for at each biennial session of the Legislature.

Sec. 5. All members of the Board, its officers and inspectors may accept free transportation from railroads and public transportation companies while engaged in performance of their official duties; provided, no mileage shall be collected from the State when free transportation is furnished.

Sec. 6. Members of the Board shall qualify by taking the constitutional oath of office before an officer authorized to administer oaths within this State. Upon presentation of oath and their certificates of appointment signed by the Governor, the Secretary of State shall issue commissions to them under the seal of the State, which shall be evidence and be authority to act as such members of the Board.

Sec. 7. The president of the Board shall execute bond in the sum of \$10,000, with two or more good and sufficient sureties, payable to the Governor and his successors in office conditioned for the faithful performance of his official duties, to be approved by the Governor, and filed in the office of the Secretary of State.

Sec. 8. The president of the Board shall have charge of and superintend the administration of all matters pertaining to State quarantine, with full authority to declare and enforce quarantine, but the quarantine service shall be maintained upon its present operating basis and under the existing general laws relating thereto, and shall be operative under the existing appropriations until the end of the current fiscal year.

Sec. 10. The State Board of Health shall have general supervision and control of all matters pertaining to the health of the citizens of this State, as provided herein. It shall make a study of the causes and prevention of infectious and contagious diseases within the State, and, except as otherwise provided in this act, shall have direction and control of all matters of quarantine regulations and enforcement and shall have full power and authority to prevent the entrance of such diseases from points without the State, and shall have direction and control over all sanitary and quarantine measures for dealing with all such diseases within the State and to suppress same and prevent their spread.

Sec. 11. Power is hereby conferred on the Texas State Board of Health to prepare a sanitary code to be known as the "Sanitary Code for Texas," which shall provide rules and regulations for the promotion and protection of the public health and for the general amelioration of the sanitary and hygienic condition within this State, for the suppression and prevention of infectious and contagious diseases, and for proper enforcement of quarantine, isolation and

control of such diseases; which said code, when so made, adopted, approved by the Governor, published and promulgated, shall have the force of law in all respects as far as relates to the following subjects:

(a) In the management of quarantine and disinfection with respect to all contagious, infectious diseases and exposures.

(b) In the government of quarantine and disinfection of all pestilential diseases, such as bubonic plague, Asiatic cholera, leprosy, typhus and yellow fever.

(c) For the inspection, sanitation and disinfection of all railway coaches (including interurban cars), sleeping cars, street cars, waiting rooms, toilet rooms in cars and stations, depots and stations; the regulations for the proper protection of the public water, ventilation and heat supplies in such places, and the sanitary conduct and condition of all persons within such places.

(d) Governing the reporting by physicians and health officers of the presence in any locality of all contagious and infectious diseases.

(e) Governing the manner and method of collecting and reporting all vital and mortuary statistics, including reports of births and deaths, designating to whom and by whom such report shall be made and the form of same.

(f) Governing the preparation for transportation of dead bodies.

Provided, that said Texas State Board of Health shall prepare and adopt at such time as they may deem proper and expedient an "Advisory Supplement" to such "Sanitary Code for Texas" which shall contain rules and regulations on the following subjects:

(1) Prescribing and fixing the standard for disinfectants; requiring employment of disinfectants of proper quality and standard for the disinfection of all premises as directed by the board.

(2) Regulating the proper sanitary disposition of sewerage, garbage and of-fal, and the proper drainage of unsanitary premises.

(3) Governing the proper interment and disinterment of dead bodies.

(4) Regulating the examination and inspection both ante mortem and post mortem of all animals which may be intended for supplying food products or meat for human consumption; regulating and governing the protection of the public with reference to the sale and use of diseased animals for producing food products or meat; the manner of feeding to animals designated for pro-

ducing food products for human consumption; all offensive or disease-producing food stuffs; regulating the inspection, examination and management of all dairy cows and herds for the purpose of controlling and suppressing tuberculosis, and other diseases liable to be communicated from animal to man.

(5) Regulating the sanitary condition of slaughter houses, meat markets and dairies.

(6) Rules and regulations for the sanitation and disinfection of public buildings; provided, that a public building is hereby declared to be any building owned by the State or any county or any city school building, college or university of any class, any dance hall, music hall, saloon, fire hall, skating rink, theater, theatorium, moving picture show, circus, pavilion, office building, hotel, lodging house, restaurant, lecture hall, place of public worship or any building or place used for the congregation, occupation or entertainment, amusement or instruction of the public.

Provided, that such "Advisory Supplement" to said "Sanitary Code for Texas" shall be advisory only. It shall be the duty of all city and county health officers, members of city councils, city and county commissioners to so operate at all times with the Texas State Board of Health in enforcing the rules and regulations contained in such "Advisory Supplement," and any city or town in this State may by a majority of its city council or commissioners and whenever the subject matter relates to the public schools with the approval of a majority of the members of the school board of such city or town, adopt such advisory supplement, and the rules and regulations therein contained shall thereafter have the full force and effect of law in such city or town; provided, that the commissioners court of any county in this State may by a majority vote adopt said "Advisory Supplement" to the "Sanitary Code for Texas" and thereafter the rules and regulations contained in such "Advisory Supplement" shall have the full force and effect of law outside of all incorporated cities and towns in such county.

(7) Rules and regulations to govern and control the conduct and operation of markets, peddlers' wagons, and all other places and methods of exposure for sale of meats, fish, poultry, game, fruits, vegetables and all perishable articles of food exposed for sale, and to regulate the time and method of such exposure, and to prescribe and limit

methods for the preservation of such articles of food, and to prohibit the doing of any act or the use of any method with respect thereto, which said board shall deem prejudicial to the public health; provided, that any condemnation of any such article of food shall be in writing and a record of the same shall be kept by said health department.

Any person who shall violate any of the rules and regulations contained in the "Sanitary Code for Texas" as embraced in subdivisions a, b, c, d, e and f of this section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$10 and not more than \$1000.

Any person who shall wilfully violate any of the rules and regulations contained in the "Advisory Supplement" to the "Sanitary Code for Texas," embraced in subdivisions 1, 2, 3, 4, 5 and 6 of Section 11 of this act, when same shall have been adopted by the city or county in which said person shall have violated such rules and regulations, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$5.00 and not more than \$200.

It shall be the duty of the said Texas Board of Health to investigate and to provide for the removal of known causes of disease; to provide for the extermination of obnoxious and hurtful insects, vermin and rodents when necessary to prevent and suppress disease.

For the compilation and preparation of such code, it shall be the duty of the board to consult authorities and make investigations relative to the most approved modern sanitary codes and spare no pains to make the same complete in the light of modern science.

On adoption of the said code by votes of a majority of the members of the board, and approved by the Governor, it shall be published at length for one time in the official monthly bulletin of the State Board of Health, and at least three times for three consecutive weeks in three daily newspapers of the State, after which adoption, approval and publication, it shall become operative and have the absolute force of law, and any person who shall violate any of the rules and regulations in said sanitary code after its adoption and publication as above provided for shall be deemed guilty of a misdemeanor and upon conviction shall be fined as herein prescribed.

And it is hereby made the duty of the several courts of this State having juris-

diction over such offenses, according to the grade thereof, to enforce and carry into effect each and all of the rules and regulations as promulgated in said "Sanitary Code for Texas," when they shall have the force and effect of law as provided herein, and to impose and collect penalties in the amounts therein specified from all persons found guilty of any violations thereof.

There shall be printed by the board and by it published in pamphlet form a sufficient number of copies of the "Sanitary Code for Texas" for distribution to the public. Copies shall be furnished free upon application to county and municipal health authorities, boards of health, mayors, members of city councils, city commissioners and judges and clerks of courts. Copies of said code shall be furnished by the board upon application to any person applying therefor and paying a nominal sum, to be fixed by the board, to cover cost of publication and transportation of same.

Provided, this act shall not be construed to repeal any of the laws of this State now in force affecting the public health, but shall be construed to be cumulative to said laws, and the Board of Public Health is hereby authorized to promulgate rules and regulations for all laws relating to the public health now in force in this State.

Sec. 12. Power is hereby conferred upon the Texas State Board of Health to further revise and amend said sanitary code for Texas at any time they may deem proper and expedient; provided, that such revision and amendment shall come within the scope of the power herein conferred upon the board for enacting the original code.

Sec. 13. It shall be the duty of said Texas State Board of Health to perform all functions and duties now imposed by existing laws upon the State Health Officer, and whenever State Health Officer is mentioned in the present laws the Texas State Board of Health shall be deemed to succeed in purpose and effect, whenever such statutes are not in conflict with this act.

Sec. 14. Each member of the said Texas State Board of Health and each of its inspectors and officers is hereby constituted a peace officer and shall have power to arrest persons violating any of the provisions of the sanitary code to be adopted by the board, of the violation of any public health, sanitary or quarantine law of the State, and such member, officer or inspector may so arrest such offenders without warrant

when the offense is committed within the presence or sight of such member, officer or inspector, but otherwise only when in the execution of a warrant issued by a proper officer.

It is hereby made the duty of all sheriffs and their deputies and constables and their deputies, police officers, town marshals, State Rangers and all other peace officers to assist in the apprehension and arrest of all persons violating any provisions, rules, ordinances or laws or the sanitary code for Texas as it may be adopted by said board, or for violation of any public health, sanitary or quarantine laws of the sanitary code for Texas as it may be adopted by said inspectors and officers of said board to apprehend and arrest all persons who may commit any offense against the public health laws of this State, or the rules, regulations, ordinances and laws of the sanitary code for Texas when adopted, published and promulgated by said Board of Health, as provided in this act when charged to execute a warrant of arrest issued by the proper officer for the apprehension and arrest of all persons charged with so offending.

Sec. 15. The members of the Board of Health and every person duly authorized by them upon presentation of proper authority in writing are hereby empowered whenever they may deem it necessary in pursuance of their duties to enter into, examine, investigate, inspect and view all grounds, public buildings, factories, slaughter houses, packing houses, abattoirs, dairies, bakeries, manufactories, hotels, restaurants and all other public places and public buildings where they may deem it proper to enter for the discovery and suppression of disease and for the enforcement of the rules, regulations and ordinances of the sanitary code of Texas after it has been adopted, promulgated and published by the board for the enforcement of any and all health laws, sanitary laws or quarantine regulations of this State.

Sec. 16. The members of said Board of Health and its officers are hereby severally authorized and empowered to administer oaths and to summon witnesses and compel their attendance in all matters proper for the said board to investigate, such as the determination of nuisances, investigation of public water supplies, investigation of any sanitary conditions within the State, investigation of the existence of infection or the investigation of any and all matters requiring the exercise of the discretionary powers invested in said board and

its officers and members and in the general scope of its authority invested by this act. The several district judges and courts are hereby charged with the duty of aiding said board in its investigations and in compelling due observance of this act, and in the event any witness summoned by said board or any of the officers or members of the same shall prove disobedient or disrespectful to the lawful authority of such board, officer or member, such person shall be punished by the district court of the county in which such witness is summoned to appear as for contempt of said district court.

Sec. 17. Any witness when summoned to appear before said board who shall falsely testify as to any matters proper for the determination of any question which the board may be investigating shall be deemed guilty of perjury, and shall be punished as provided by law for the offense of perjury.

Sec. 18. Be it further enacted that the office of county physician shall be abolished within the several organized counties of this State, and that instead the office of county health officer is hereby created in each organized county within this State.

Sec. 19. The office of county health officer shall be filled by a competent physician legally qualified to practice under the laws of the State of Texas and of reputable professional standing.

Sec. 20. It is hereby made the duty of the commissioners court by majority vote of each organized county to appoint a proper person for the office of county health officer for his county, who shall hold office for two years and until his successor shall be appointed and qualify, unless sooner removed for cause; provided, however, that in all counties where there is a duly appointed and acting county physician heretofore appointed the county judge shall appoint such county physician as county health officer. Said county health officer shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath of office and a copy of his appointment with the Texas State Board of Health, and until such copies are so filed said officer shall not be deemed legally qualified. Compensation of said county health officer shall be fixed by the commissioners court; provided, that no compensation or salary shall be allowed except for services actually rendered.

Sec. 21. The office of city physician for the several incorporated cities and towns within this State is hereby abol-

ished, and instead created the office of city health officer.

Sec. 22. The office of city health officer shall be filled by a competent physician, legally qualified to practice medicine within this State, of reputable professional standing.

Sec. 23. It is hereby made the duty of the city council or the city commissioners, as the case may be, of each incorporated city and town within this State to elect a qualified person for the office of city health officer by a majority of the votes of the city council or city commission, as the case may be, except in cities which may be operated under a charter providing for a different method of selecting city health physicians, in which event the office of city health officer shall be filled as is now filled by the city physician, but in no instance shall the office of city health officer be abolished.

The city health officer, after appointment, shall take and subscribe to the constitutional oath of office, and shall file a copy of such oath and a copy of his appointment with the Texas State Board of Health, and shall not be deemed to be legally qualified until said copies shall have been so filed.

Sec. 24. In case the authorities hereinbefore mentioned shall fail, neglect or refuse to fill the office of county or city health officer as in this act provided, then the Texas State Board of Health shall have the power to appoint such county or city health officer to hold office until the local authorities shall fill such office, first having given ten days' notice in writing to such authority of the desire for such appointment.

Sec. 25. Each county health officer shall perform such duties as has heretofore been required of county physicians with relation to caring for the prisoners in county jails and in caring for the inmates of county poor farms, hospitals, discharging duties of county quarantine and other such duties as may be lawfully required of the county physician by the commissioners court and other officers of the county, and shall discharge any additional duties which it may be proper for county authorities under the present laws to require of county physicians, and in addition thereto he shall discharge such duties as shall be prescribed for him under the rules, regulations and requirements of the Texas State Board of Health or the president thereof, and is empowered and authorized to establish,

maintain and enforce quarantine within his county. He shall also be required to aid and assist the State Board of Health in all matters of local quarantine, inspection, disease, prevention and suppression, vital and mortuary statistics and general sanitation within his county, and he shall at all times report to the State Board of Health in such manner and form as it shall prescribe the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and he shall make such other and further reports in such manner and form and at such times as said Texas State Board of Health shall direct, touching such matters as may be proper for said State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of its proper rules, regulations, requirements and ordinances and in the enforcement of all sanitary laws and quarantine regulations within his jurisdiction.

Sec. 26. In all matters with which the State Board of Health may be clothed with authority, said county health officer shall at all times be under its direction, and any failure or refusal on the part of said county health officer to obey the authority and reasonable commands of said State Board of Health shall constitute malfeasance in office, and shall subject said county health officer to removal from office at the relation of the State Board of Health, and pending charges for removal said county health officer shall not receive any salary or compensation, which cause shall be tried in the district court of the county in which such county health officer resides.

Sec. 27. In the event any county health officer shall fail or refuse to properly discharge the duties of his office, as prescribed by this act, the State Board of Health shall file charges with the commissioners court for the proper county specifying wherein such officer has failed in the discharge of his duties, and at the same time the State Board of Health shall file a protest with the county clerk and the county treasurer against the payment of further fees, salary, or allowance to said county health officer, and pending such protest and charges, it shall not be lawful for such county health officer to be paid or to receive any subsequently earned salary, fees or allowances on account of his office, unless such charges are shown to be untrue and are not sustained. After five days' notice in

writing to said county health officer the commissioners court shall hear the charges, at which hearing the county judge shall preside, and the State Board of Health may be represented. Either party, the State Board or the county health officer, may appeal from the decision of said court to the district court of said county, and pending such appeal no salary, fees or allowances shall be paid to said county health officer for any subsequent earned salary, and in the event the charges shall be sustained, the said county health officer shall be charged to pay all costs of court, and shall forfeit all salary, fees and allowances, earned subsequent to the date of filing the charges and protests.

Sec. 28. No bond for cost or bond on appeal or writ of error shall be required of the State Board of Health or State officials in any actions brought or maintained under this act.

Sec. 29. Each city health officer shall perform such duties as may now or hereafter be required by the city councils and ordinances of city physicians and such duties as may be required of him by general law and city ordinances with regard to the general health and sanitation of towns and cities, and perform such other duties as shall be legally required of him by the mayor, councils, commissioners or the ordinances of his city or town. He shall in addition thereto discharge and perform such duties as may be prescribed for him under the directions, rules, regulations and requirements of the State Board of Health and the president thereof. He shall be required to aid and assist the State Board of Health in all matters of quarantine, vital and mortuary statistics, inspection, disease, prevention and suppression and sanitation within his jurisdiction. He shall at all times report to the State Board of Health in such manner and form as shall be prescribed by said Board of Health the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and shall make such other and further reports in such manner and form and at such times as said State Board of Health shall direct touching all such matters as may be proper for the State Board of Health to direct, and he shall aid said State Board of Health at all times in the enforcement of proper rules, regulations and requirements in the enforcement of all sanitary laws, quarantine regulations and vital statistics collection,

and perform such other duties as said State Board of Health shall direct.

In all matters in which the State Board of Health may be clothed with authority said city health officer shall at all times be governed by the authority of said Board of Health, and failure or refusal on the part of said city health officer to properly perform the duties of his office as prescribed by this act shall constitute malfeasance in office and shall subject said city health officer to removal from office at the relation of the State Board of Health, which cause shall be tried in the district court of the county in which such city health officer resides.

In the event of a failure or refusal of said city health officer to properly discharge his duties of his office the State Board of Health shall file charges against said city health officer with the council or city commission of the proper town or city, which shall specify in what particulars said city health officer has failed in respect to the discharge of his duties, and shall at the same time file a protest with the city secretary and city treasurer against the payment to said city health officer of further fees, salary or allowance, and pending such charges and protest no further salary, fees or allowance shall be paid to said city health officer, unless such charges are shown to be untrue and not sustained. After five days' notice in writing to said city health officer the charges shall be heard before the mayor and council, or the mayor and commission of the town or city in which said city health officer shall reside, at which hearing the State Board of Health may be represented, and either the city health officer or the State Board of Health shall have the right of appeal to the county court of the county in which the city or town is situated, and if said charges be sustained said city health officer shall be adjudged to pay all costs of court, and shall forfeit all salary, fees and allowance accrued subsequent to the date of filing of the charges and protest, originally and which may be due him on account of his office.

Sec. 30. The compensation of city health officer shall be fixed by the mayor and council, or the mayor and commissioners of the respective towns and cities within this State.

Sec. 31. There shall be an annual conference of county health officers and city health officers of this State, at such time and place as the State Board of

Health shall designate, at which conference the president or some member of the said State Board of Health, shall preside. The several counties, towns and cities may provide for and pay the necessary expense of its county health officer or city health officer for attendance upon said conference.

Séc. 32. In all matters wherein the Board of Health shall invoke the assistance of the courts, the action shall run in the name of the State of Texas, and the Attorney General shall assign a special assistant to attend to all legal matters of the Board, and upon demand of the Board it shall be the duty of the Attorney General to promptly furnish the necessary assistance to the Board to attend to all its legal requirements:

Séc. 33. The fact that there is now no uniform and efficient law for the suppression and prevention of disease within this State, other than that of foreign origin, and no effective system for preserving, tabulating and utilizing the vital and mortuary statistics of the State and for the appointment of local health officers, creates an emergency and imperative public necessity that the constitutional rule providing that bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

PERSONAL PRIVILEGE.

Senator Senter here arose to a question of personal privilege, and at the conclusion of his remarks he moved that same be printed in the Journal of today.

Pending discussion on the above motion, Senator Hudspeth amended the motion to print the remarks in the Journal by adding that 10,000 copies of the Journal be printed for the use of the Senators.

Senator Murray moved the previous question on both of the above motions, which motion being duly seconded, was so ordered.

Senator Terrell of Bowie called for a division of the question.

The motion to print the personal privilege matter by Senator Senter in the Journal, was put first, and the motion was adopted.

Senator Hudspeth then withdrew his motion to print 10,000 extra copies of the Journal.

Following is the personal privilege matter:

Mr. President and Gentlemen of the Senate:

In reply to several requests that I should make some further statement in reference to the facts and circumstances connected with the expulsion of Mr. Thomas I have stated that I regarded my duties here as of paramount importance, and that I had no desire whatever to interfere in the contest now pending in the Second Senatorial District. My attitude with respect to this, as with respect to every other matter connected with the proceedings of this body, has been that it was sufficient for me to perform my duty as I understood it and to leave the consequences to take care of themselves. Inasmuch, however, as Mr. Thomas has issued a circular which has just been brought to my attention in which he has seen fit to connect my name with his divers and sundry attacks upon the members of this body, and to eject into his campaign a statement wholly without foundation touching my course with reference to his expulsion, I deem it to be my duty in the interest of truth and decency, as well as a duty of candor that I owe to the people of my own district, of whom I am but the representative, to make plain and permanent record of the facts touching this particular statement of Mr. Thomas.

I quote from a circular addressed "to the voters of the Second Senatorial District," and signed "yours for honesty in public office, H. Bascom Thomas." The particular matter to which I shall call the attention of the Senate reads as follows: "The day I was expelled we reached that point in our deliberations when I was asked for these names, a few minutes before Senator Cofer had asked the President that if I should name these men if they would be allowed to vote upon my expulsion to which he answered in the affirmative. A recess of a few minutes was taken and a statement was drawn up setting out the charges heretofore mentioned, and which could have proven satisfactorily to the citizens of Texas, but which Senator Cofer thought would not be accepted by the Senators. My friends advised me to go no further and there we rested the case, being convinced that if these names were given these Senators and their friends would vote for my expulsion should I attempt to prove them guilty of corruption. A few minutes before my expulsion Senator Senter referred to any of these charges after the Legis-

lature adjourned. I refused to make such a promise."

It would be impossible for the most mendacious imagination that ever afflicted a human frame to conceive a statement which contains as little of truth as this. The facts are not wholly a matter of record, and hence it is proper that they should now be put of record. Up almost to the very minute of his last sensational exploit, I was endeavoring with such little influence as I could command to protect the Senator from Hopkins county from the just consequences of his own folly, to use the very lightest term by which his conduct could properly be characterized. When he made his sweeping charges of corruption against the members of this body I confess that I was startled, and supposed that he had some proof to offer against somebody, for it did not enter my mind that any person could be so reckless as to stand up in a legislative assembly composed of representatives from the whole body of the people of Texas and declare that he had knowledge of corruption upon the part of some members of that body without having a single fact at his command to support such charges. As every member of this body knows, I not only stood ready to back Mr. Thomas in his effort to prove up his charges, but I was ready to stand upon the floor and assist in the punishment of the guilty man, if he could adduce proof of guilt. A committee of investigation was appointed, one member of which was named by Mr. Thomas, and, as I understood the matter, the proceedings were conducted with a desire to afford him every opportunity to offer evidence. It is a matter of record here that he tendered no evidence whatever which would have supported any charge which reflected upon any member of this body.

When Mr. Thomas was first called to book in this body on account of his constant reiteration of unsupported charges against its membership, and after he had rushed from time to time into print with declarations for which he might have been properly arraigned before the bar of the Senate in a contempt proceeding, it became manifest that the patience of the membership of the Senate was well nigh exhausted, and, as is a matter of public record, action was taken which at one time threatened to result in his expulsion. Believing at the time that he was to some extent the victim of a disordered imagination and was possibly not responsible for his own

acts, and accepting the assurances of his avowed friends that he did not understand the meaning of words and terms and did not know what he was doing, I joined in a movement to prevent his expulsion. A conference was held just before the Senate then acted in which several Senators participated, among them Senator Brachfield, Senator Sturgeon and myself. As a result of our efforts, and of others, every man animated by a spirit of kindness toward Mr. Thomas, he signed what was proposed and represented by him to be, and represented by us, acting as his friends, to be a retraction of his charges against the membership of this body. It is a matter of record that the Senate accepted that retraction in a spirit of cordiality and it was the general understanding voiced on the floor of the Senate in proceedings in which Mr. Thomas participated with great unction that we were to hear no more of the charges against the membership of this body, which Mr. Thomas then publicly admitted to have no support and touching which, as every one knows, he had offered not a single scintilla of evidence. Every man who has any sense of honor will comprehend my own amazement when but a day or two after this proceeding I read a statement in the press signed by H. Bascom Thomas declaring that he had made no retraction and renewing the wholesale charges, for which he had theretofore been arraigned in the Senate. Then and there I parted company with Mr. Thomas, and I desire to make a record here of the declaration that under such circumstances I part company with any man.

I took no interest thereafter in Mr. Thomas, or in any of his performances, because I found quite enough of public matters of an urgent nature demanding my attention here to consume all of my time. I should have remained indifferent to these performances if he had confined himself to the crusade in the public press, to which the principal part of his time and attention, as far as I could see, was given, if he had not persisted in blockading the proceedings of this body with his interminable charges and insinuations. When this culminated in the resolution to expel him, I was present in one of the committee rooms where most of the members of the Senate gathered and talked over this matter. Among those who were there was the Senator from Navarro, Mr. Holsey, who opposed the expulsion of Mr. Thomas, and who declared that he had

no doubt that Thomas would sign a full and complete retraction of all charges of corruption he had continuously repeated against the membership of this body, and that, as a matter of expediency, it was best to accept such retraction. After my own experience as a volunteer champion of Mr. Thomas, I was somewhat wearied of accepting at their face value his retractions. I then suggested that he had signed one retraction in order to avoid the penalty for his misconduct, and had immediately retracted his retraction. I shall not undertake to quote the language of the Senator from Navarro, but the substance of it was that he was confident that Mr. Thomas would tender full and ample apology for his unfounded reflections upon the membership of this body. Bearing in mind all of these facts which I have related, it will be understood why I thought it proper after having been chosen by the Senate to interrogate Mr. Thomas, to inquire of him the real purport of the last document which he signed and tendered as a retraction of his repeated charges. In a communication to the press, which had been published but a day or two before, he used this language:

"Every honest man in Texas, including members of the Senate, knows my charges to be true, and in a short time I will publish in pamphlet form a detailed report of the investigation, so that the people will know something of the graft, rottenness and corruption that prevails among the so-called representatives of the people. The Senate this afternoon would not have permitted me to discuss that report and the facts disclosed before the investigation for half this capitol, for my remarks would have forever sent to their political graves several men of prominence connected with the Senate."

In the statement sent up by Mr. Thomas and incorporated in the Journal as his second retraction he used this language:

"Sometime back I arose to a point of personal privilege and called the attention of the Senate to what I thought to be a violation of the anti-lobby law, and since which time I have given out interviews to the press and made other statements on the floor of the Senate, some of which interviews and statements made by me, the members think, reflect upon their honesty and integrity; and such not being my intention, I think it proper and fair to all concerned to make the following statement:

"I wish to state that I absolutely know of no member of this Senate engaging in anything within this Capitol that is dishonest or disreputable in any particular, and when I said in an interview given out by me that there was a scandal in which some members of the Legislature were connected, I did not mean to convey the idea that there had been any scandal of any kind in the Capitol so far as the Senate is concerned, but had reference to some unlawful gambling, to-wit: Poker playing in certain places in Austin in which some members of the Legislature were engaged."

It will at once appear to every candid mind that these two statements, the last of which closely followed the first, are irreconcilable. My final question to Mr. Thomas was in effect to ask whether he stood upon the first or upon the last of such statements.

In the investigation which was conducted upon the floor of the Senate, every opportunity was offered to Mr. Thomas to prefer charges and to offer testimony. He was invited and urged to make any charge upon which he could offer any evidence tending to incriminate any member of this body, and all of the machinery of the Senate was put at his command to collect testimony. Every member of the Senate who was present concurred in a request, evidenced by a vote, that he should present to the Senate any fact or circumstance which he might know tending to show corruption upon the part of any member of this body. After he had stated that he had nothing more to say, no facts to disclose, no charges to make and no testimony to offer, he was asked if the investigation had been fair and complete, and he declared upon the floor of the Senate in the affirmative. In the presence of this body he declared that he could not offer a single witness or present a single fact to corroborate either of the many declarations he had made against the membership of this body as a whole. I then put to them an inquiry, the object of which was to ascertain whether he intended to do as he had done before and again retract his retraction. He had declared here in the presence of the Senate at the conclusion of his first performance, that he had no proof, no witnesses, that he was without a single proof for his protracted crusade of slander, and in the face of these admissions he had rushed out before the public and renewed the declaration that this body was honey-combed

with intrigue and scandal. I believed then, and I believe now, that it was proper for the Senate and the public to know whether Mr. Thomas was sincerely seeking to bring about the disclosure of graft and corruption, or whether he was engaged in a sensational fanfaronade, having no other purpose than to raise a dust and to keep his name before the public. I deem it proper to make this full explanation as a predicate to the declaration that I now make in the presence of the Senate as one which I desire to go into the record, which is that the suggestion that I sought to exact a promise from Mr. Thomas that he would agitate no further his charges against the membership of this body in return for the implied promise to shield him from punishment by this body is a wilful and deliberate falsehood by whomsoever made, and could only be made by one incapable of telling the truth unless he had some personal or financial end to gain by telling it. This much I deem it my duty to say in justice to all the membership here, whether they joined in the resolution of expulsion, or whether they merely voted to censure the Senator from Hopkins county for his misconduct.

Having said this much, it may be admissible to indulge in one reflection concerning this episode. It will be a sad day for Texas whenever graft and corruption shall exist in one of its legislative assemblies and no member can be found there strong and brave enough to declare the truth. It will be a sadder day for Texas whenever an irresponsible mischief-maker and scandal monger can, without a scintilla of truth at his back, sow down the State with charges of corruption, refuse when called upon to produce one witness, one circumstance or one fact to support his charges, back away from the trial of his charges, and then meet the approval of any considerable number of our people. We should be admonished by that suggestive story in the old Blue Back spelling book "that constant iteration of vain and false soon bring about a condition of the public mind akin to disgust," and that it is as important that the people's confidence in faithful officials should not be shaken, as it is that the unfaithful should be sternly punished. If there be a greater offender against the public welfare than the public servant who filches the dollar which belongs to the public treasury, it is that creeping, crawling thing which insults God's sunshine with its slime and casts a trail of poisonous scandal wher-

ever it crawls. There is no fit place but the penitentiary for the public servant who is corrupt. There is no place under the canopy of heaven where a reckless and mischievous scandal monger should find room and welcome.

REFUSE TO ADJOURN.

Senator Veale moved that the Senate adjourn until 10 o'clock Monday morning.

The motion was lost by the following vote:

Yeas—6.

Brachfield.	Terrell of
Bryan.	McLennan.
Stokes.	Veale.

Nays—22.

Adams.	Murray.
Alexander.	Paulus.
Cofer.	Peeler.
Harper.	Perkins.
Hayter.	Senter.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Greer.

Absent—Excused.

Real.

The Chair laid Senate bill No. 6 before the Senate, and Senator Sturgeon moved that the Senate recess until 3 o'clock today, and

Senator Mayfield moved, as a substitute, that the Senate recess until 2:30 o'clock today.

Action being on the longest time first, the motion to recess until 3 o'clock was lost by the following vote:

Yeas—10.

Brachfield.	Mayfield.
Bryan.	Senter.
Cofer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.

Nays—18.

Adams.	Hume.
Alexander.	Kellie.
Harper.	Masterson.
Hudspeth.	Meachum.

Murray.
Paulus.
Peeler.
Perkins.
Terrell of Bowie.

Veale.
Ward.
Watson.
Weinert.
Willacy.

Absent.

Greer.

Absent—Excused.

Real.

The motion to recess until 2:30 o'clock today was lost.

SENATE BILL NO. 6.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 6, A bill to be entitled "An Act to amend Article 3231, Chapter 11, Title 62 of the Revised Civil Statutes of Texas, 1895, relating to the verdict of justice in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court, and five jurors concurring may render a verdict in the county court and courts of justices of the peace, and repealing all laws and parts of laws in conflict herewith."

There being an adverse majority committee report and a favorable minority committee report,

Senator Brachfield moved the adoption of the minority committee report, and

Senator Harper moved, as a substitute, the adoption of the majority committee report.

Senator Harper moved the previous question on the above two motions, which, being duly seconded, was so ordered by the following vote:

Yeas—17.

Adams.	Peeler.
Alexander.	Perkins.
Harper.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—11.

Brachfield.	Holsey.
Bryan.	Mayfield.
Cofer.	Paulus.
Hayter.	Senter.

Stokes.
Sturgeon.

Terrell of McLennan.

Absent.

Greer.

Absent—Excused.

Real.

Action recurred on the substitute motion first, and the same was adopted by the following vote:

Yeas—16.

Adams.	Peeler.
Harper.	Perkins.
Hume.	Terrell of Bowie.
Kellie.	Veale.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Nays—12.

Alexander.	Hudspeth.
Brachfield.	Mayfield.
Bryan.	Senter.
Cofer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.

Absent.

Greer.

Absent—Excused.

Real.

The adoption of the majority committee report killed the bill.

INVITATION TO ATTEND DANCE.

Senator Peeler, on behalf of Dr. Preston, Superintendent of the State Insane Asylum, extended to the Senators, their families, officers and employes of the Senate and their families, to attend an old-fashioned dance at the asylum on next Tuesday night at 8 o'clock. Senator Peeler assured all that the entertainment would be enjoyable.

The invitation was accepted by a rising vote.

ADJOURNMENT.

On motion of Senator Alexander, the Senate, at 2 o'clock p. m., adjourned until Monday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 17, A bill to be entitled "An Act to amend Article 1407, Chapter 19 of Title 30, Revised Civil Statutes of Texas, 1895, relative to appeal bonds on any appeal or writ of error, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 73, A bill to be entitled "An Act to amend Article 942, Chapter 2 of Title 27 of the Revised Statutes, regulating the prosecution of writs of error to the Supreme Court, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend by inserting between the word "rehearing," in line 19, page 1, and the word "application," in line 21, page 1, the following: "If such motion is filed in the Court of Civil Appeals; but if the party desiring to apply for a writ of error does not wish a rehearing in the Court of Civil Appeals, it shall not be necessary for such party to file a motion for rehearing in the Court of Civil Appeals as a predicate for a petition for writ of error to the Supreme Court; and if no motion for a rehearing is filed in the Court of Civil Appeals, then the petition for writ of error shall be filed with the clerk of the Court of Civil Appeals within thirty days after the filing by the Court of Civil Appeals of its findings of fact and conclusions of law. And upon the filing of a petition for writ of error, the clerk of the Court of Civil Appeals shall

note upon his record the filing of said—"

And by inserting between the words "the" and "opinions," in line 23, page 1, "opinion or."

And by inserting between the words "motion" and "filed," in line 24, page 1, the words "if any."

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 72, A bill to be entitled "An Act to amend Chapter 12, Title 51 of the Revised Civil Statutes of Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 16, A bill to be entitled "An Act to amend Article 1019, Title 27, Chapter 16 of the Revised Civil Statutes of the State of Texas, relating to appearance by brief of attorneys for either party in the Courts of Civil Appeals, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 17, A bill to be entitled "An Act to amend Articles 1544 and 1546 of Chapter 2, Title 32 of the Revised Civil Statutes of the State of Texas of 1895, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 61, A bill to be entitled "An Act regulating the fees authorized to be charged by newspapers for making publications of citations as authorized under Article 1230 of the Revised Civil Statutes of the State of Texas of 1895, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 61, A bill to be entitled "An Act regulating the fees authorized to be charged by newspapers for making publications of citations as authorized under Article 1230 of the Revised Civil Statutes of Texas of 1895, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

MEACHUM,
COFER.

(Majority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 30, A bill to be entitled "An Act to amend Articles 186 and 190 of Chapter 1, Title 10, and Article 217 of Chapter 2, Title 10 of the Revised Civil Statutes with respect to the issuing of writs of attachment and garnishment, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 30, A bill to be entitled "An Act to amend Articles 186 and 190 of Chapter 1, Title 10, and Article 217 of Chapter 2, Title 10 of the Revised Civil Statutes with respect to the issuing of writs of attachment and garnishment, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

SETER.

(Majority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act to amend Chapter 5, Title 51 of the Revised Civil Statutes of Texas of 1895, by amending Article 2588, relating to the appointment of guardians, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MEACHUM, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act to amend Chapter 5, Title 51 of the Revised Civil Statutes of Texas of 1895, by amending Article 2588, relating to the appointment of guardians, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

WARD.

(Majority Report.)

Committee Room,
Austin, Texas, March 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premiums on fire insurance, and to prevent discrimination therein, and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

(1)

Amend Section 3 of the bill so that it shall hereafter read as follows:

Section 3. There is hereby created a board to be known as the State Fire Rating Board, which shall be composed of the Commissioner of Insurance and Banking, who shall be chairman thereof, and one member to be appointed by the Governor, who shall be secretary thereof, and one additional member who shall be appointed by the Governor upon the joint nomination and recommendation in writing of a majority of all the companies transacting the business of fire insurance in this State; provided, that if the executive officer of a majority of such companies shall fail to join in the nomination or recommendation of some citizen of this State for such appointment not later than ten days prior to the date when the same is required to be made, the Governor shall have the power to make such appointment regardless of such nomination or recommendation. The members of said board, other than the Commissioner of Insurance and Banking, shall each have had at least five years practical experience in the making of fire insurance rates and inspection of risks, shall be appointed as herein provided within sixty days after this act takes effect for the terms of two years and biennially thereafter, and they shall have the power to decide all questions required, authorized or permitted to be passed upon by said board upon which they shall agree, and in case of disagreement as to any such question, the

decision of the Commissioner of Insurance and Banking thereon shall determine the action of the board. Said members of said board, other than the Commissioner of Insurance and Banking, shall each receive as compensation for their services the sum of \$2500 per annum, and the Commissioner of Insurance and Banking shall receive as compensation or salary for his services under this act the sum of \$500 per annum in addition to his compensation as now fixed by law.

(2)

Amend the bill by adding a new section to be numbered 17, to read as follows:

Section 17. This act shall not apply to mutual or profit sharing fire insurance companies incorporated under the laws of this State, transacting what is known as an inter-insurance business nor to purely co-operative inter-insurance and reciprocal exchanges carried on by the members thereof solely for the protection of their own property and not for profit.

HUDSPETH, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 25, A bill to be entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premiums on fire insurance, and to prevent discrimination therein, and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

WATSON.

TERRELL of McLennan,
HUDSPETH.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 63, A bill to be entitled "An Act to amend an act to prescribe the time within which statements of facts and bills of exception may be filed in causes tried in the district and county courts of Texas; and to authorize judges whose terms of office have expired to approve statements of facts and bills of exception, and providing that judges also have ten days after adjournment of the term of court at which said cause may be tried to file findings of facts and conclusions of law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend Section 1 by striking out the following words: "May by having an order entered to that effect on the docket be granted," and insert in lieu thereof the following: "Shall be allowed, and is hereby granted."

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 40, A bill to be entitled "An Act to authorize and empower any party to any cause or his attorney of record, to print or typewrite or cause to be printed or typewritten, the transcript of the record in any cause on appeal or writ of error, and requiring the clerk of the trial court to proofread and certify to the same, and providing for his compensation for the same."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 65, A bill to be entitled "An Act to amend Article 3388, Title 69, Revised Civil Statutes of the State of Texas, 1895, prescribing the form of ballot to be used in local option elections, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 62, A bill to be entitled "An Act to provide for the establishment and maintenance of agricultural, horticultural and feeding experimental stations in certain parts of Texas; to provide for proper appropriation therefor and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

MAYFIELD, Chairman.

Committee Room,
Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

House bill No. 11, A bill to be entitled "An Act to establish four additional State agricultural experiment stations, and providing the ways and means for their maintenance, and the maintenance of farm demonstration work in connection with said experimental stations, and making an appropriation therefor and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

MAYFIELD, Chairman.

(Floor Report.)

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 76, A bill to be entitled "An Act authorizing any life insurance company incorporated under the laws of this State, at its option, to deposit securities equal in value to the legal reserve on its outstanding policies and annuity bonds for the benefit of all the holders thereof, and providing for the regulation and maintenance of such deposit, and the terms and purposes for

which same shall be held, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Veale, Mayfield, Alexander, Watson, Terrell of McLennan, Stokes.

(Floor Report.)

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 77, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State, and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences, and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Watson, Stokes, Mayfield, Sturgeon, Terrell of McLennan, Alexander, Senter.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 68, A bill to be entitled "An Act for the establishment of an additional experiment station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Twentieth Senatorial District, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 74, A bill to be entitled

"An Act giving to the Commissioner of Agriculture the power and making it his duty to appoint a competent drainage and irrigation engineer, prescribing his duties, fixing his compensation and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, with the following amendment:

Amend the bill, Section 1, line 1, by adding the following after the word "Agriculture": "with the approval of the Governor."

MAYFIELD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 18, A bill to be entitled "An Act making an appropriation for the recovery of lands belonging to or claimed for the public schools and other lands of the State of Texas, and for the enforcement of any and all laws of the State of Texas concerning public lands or lands belonging to the State of Texas, or to any of its special funds or institutions; providing the manner of expending such appropriation, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 50, A bill to be entitled "An Act amending Article 1525 of the Revised Statutes of the State of Texas, fixing the terms of the criminal district court of Galveston and Harris counties,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 48, A bill to be entitled "An Act amending that part of Title 31 of the Revised Statutes of the State

of Texas which provides for the establishment of a criminal district court for the criminal district composed of the counties of Galveston and Harris, by adding thereto Chapter 3a, providing for a district attorney for said criminal district, and prescribing the duties, powers and compensation of the district attorney for said criminal district, and declaring an emergency."

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 52, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be situated in the Eighteenth Senatorial District, and declaring an emergency."

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 67, A bill to be entitled "An Act providing for the establishment of an additional experimental station for the purpose of conducting experiments in agriculture, horticulture and forestry, said station to be located in the Second Senatorial District."

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, March 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 49, A bill to be entitled "An Act amending Chapter 4 of Title 31 of the Revised Statutes of the State of Texas relating to the establishment of a criminal district court for the criminal district composed of Galveston and Harris counties, by providing for the appointment, duties, qualification and compensation of assistant district at-

torneys for said criminal districts, and declaring an emergency."

And find the same correctly engrossed.

WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan:

Austin, Texas, March 21, 1900.

To Senator H. B. Terrell, Representative W. C. O'Bryan, Representative John Maxwell, Representative Sam Stratton, Representative A. M. Kennedy.

Sirs: We, the undersigned members of the McLennan County Democratic Convention, which convened in Waco last August, respectfully request you, as our representatives, to vote against the guaranty of bank deposits.

Numerously signed.

By Senator Cofer:

Sherman, Texas, March 24, 1909.

Senator Cofer and Representatives Marshall, Elliott and Aston.

Sirs: We, the undersigned citizens of Sherman and Grayson county earnestly petition you to pass the appropriation bill and adjourn as speedily as possible.

Numerously signed.

Sherman, Texas, March 26, 1909.

Messrs. Cofer, Marshall, Aston, and Elliott.

I got these signatures yesterday evening after court adjourned and send this to you to show there is no real sentiment in this county favoring the Commercial Secretaries' idea of adjourning and coming home. This is a Democratic county and its citizenship believes in the fundamental principles of Democracy (which is honesty in government) and the redemption of every pledge made by party to people.

The people are standing by you in your work there better than I ever saw and are highly pleased with John Marshall's election. Stand pat on platform demands, and the "gates of hell," etc. I am, very truly,

B. F. GAFFORD.

The undersigned Democrats and qualified voters of Grayson county, Texas, believing that our Democratic Legislature should reflect the will and redeem the pledges of the Democratic party made to the people during the recent campaign, hereby request our Senator and Representatives to do their utmost to enact into law every Democratic platform demand.

Numerously signed.